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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,208	04/11/2001	Takahiro Yoshida	016886/0183	4216

22428 7590 09/22/2004

FOLEY AND LARDNER  
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3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/807,208

Applicant(s)

YOSHIDA ET AL.

Examiner

Backhean Tiv

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

Claims 1-19 are pending in this application.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C 121:

- I. Claims 1-3, 11-13 are drawn to separating devices based on input/output wavelength, classified in class 709, subclass 249.
- II. Claims 4,14, are drawn to recognizing devices based on test codes that is different from ordinary LAN code, classified in class 709, subclass 222.
- III. Claims 5, 15, are drawn to recognizing devices based on alarm code that is different from ordinary LAN code, classified in class 709, subclass 250.
- IV. Claims 6,7,16,17, are drawn to recognizing devices based on code TYPE that is not existing in a protocol, classified in class 709, subclass 220.
- V. Claims 8,9, 18,19 are drawn to recognizing devices based on the speed of the input/output, classified in class 709, subclass 248.
- VI. Claim 10, are drawn to recognizing devices based on the communication state and test state of the devices, classified in class 709, subclass 221.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each

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other if they are shown to be separately usable. Invention II is drawn to recognizing devices based on test codes that is different from ordinary LAN code. Invention I is drawn to separating devices based on input/output wavelength. In this instant case invention I has separate utility such as determining which devices has the authority to can connect to a LAN, WAN, or any other network configuration based on the input/output wavelength of a particular device. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention III is drawn to recognizing devices based on alarm code that is different from ordinary LAN code. Invention I is drawn to separating devices based on input/output wavelength. In this instant case invention I has separate utility such as determining which devices has the authority to can connect to a LAN, WAN, or any other network configuration based on the input/output wavelength of a particular device. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention IV is drawn to recognizing devices based on code TYPE that is not existing in a protocol. Invention I is drawn to separating devices based on input/output wavelength. In this instant case invention I has separate utility such as determining which devices has the authority to can connect to a LAN, WAN, or any other network

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configuration based on the input/output wavelength of a particular device. See MPEP § 806.05(d).

Inventions I and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention V is drawn to recognizing devices based on the speed of the input/output. Invention I is drawn to separating devices based on input/output wavelength. In this instant case invention I has separate utility such as determining which devices has the authority to can connect to a LAN, WAN, or any other network configuration based on the input/output wavelength of a particular device. See MPEP § 806.05(d).

Inventions I and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention VI is drawn to recognizing devices based on the communication state and test state of the devices. Invention I is drawn to separating devices based on input/output wavelength. In this instant case invention I has separate utility such as determining which devices has the authority to can connect to a LAN, WAN, or any other network configuration based on the input/output wavelength of a particular device. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention III is drawn to

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recognizing devices based on alarm code that is different from ordinary LAN code. Invention II is drawn to recognizing devices based on test codes that is different from ordinary LAN code. In this instant case invention II has separate utility such as transferring data to or from another computer with functional configuration of one of the computers within the network. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention IV is drawn to recognizing devices based on code TYPE that is not existing in a protocol. Invention II is drawn to recognizing devices based on test codes that is different from ordinary LAN code. In this instant case invention II has separate utility such as transferring data to or from another computer with functional configuration of one of the computers within the network. See MPEP § 806.05(d).

Inventions II and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention V is drawn to recognizing devices based on the speed of the input/output . Invention II is drawn to recognizing devices based on test codes that is different from ordinary LAN code. In this instant case invention II has separate utility such as transferring data to or from another computer with functional configuration of one of the computers within the network. See MPEP § 806.05(d).

Inventions II and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention VI is drawn to recognizing devices based on the communication state and test state of the devices. Invention II is drawn to recognizing devices based on test codes that is different from ordinary LAN code. In this instant case invention II has separate utility such as transferring data to or from another computer with functional configuration of one of the computers within the network. See MPEP § 806.05(d).

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention IV is drawn to recognizing devices based on code TYPE that is not existing in a protocol. Invention III is drawn to recognizing devices based on alarm code that is different from ordinary LAN code. In this instant case invention III has separate utility such as controlling the device to obtain results by transmission of a designated distinctive control signal over communication lines or channels. See MPEP § 806.05(d).

Inventions III and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention V is drawn to recognizing devices based on the speed of the input/output. Invention III is drawn to recognizing devices based on alarm code that is different from ordinary LAN

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code. In this instant case invention III has separate utility such as controlling the device to obtain results by transmission of a designated distinctive control signal over communication lines or channels. See MPEP § 806.05(d).

Inventions III and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention VI is drawn to recognizing devices based on the communication state and test state of the devices. Invention III is drawn to recognizing devices based on alarm code that is different from ordinary LAN code. In this instant case invention III has separate utility such as controlling the device to obtain results by transmission of a designated distinctive control signal over communication lines or channels. See MPEP § 806.05(d).

Inventions IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention V is drawn to recognizing devices based on the speed of the input/output. Invention IV drawn to recognizing devices based on code TYPE that is not existing in a protocol. In this instant case invention IV has separate utility such as processing operation involving data transfer between computers which exchange status data to determine the operating characteristics of one or more of the computer. See MPEP § 806.05(d).

Inventions IV and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each



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other if they are shown to be separately usable. Invention VI is drawn to recognizing devices based on the communication state and test state of the devices. Invention IV drawn to recognizing devices based on code TYPE that is not existing in a protocol. In this instant case invention IV has separate utility such as processing operation involving data transfer between computers which exchange status data to determine the operating characteristics of one or more of the computer. See MPEP § 806.05(d).

Inventions V and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. Invention VI is drawn to recognizing devices based on the communication state and test state of the devices. Invention V drawn to recognizing devices based on the speed of the input/output. In this instant case invention V has separate utility such as matching the timing between computers. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The examiner made a telephonic call to the applicant's attorney, Richard L. Schwaab, to inform him of the restriction and for an election but the applicant's attorney chose not to elect at the time of the telephonic call.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143)

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In accordance with 35 U.S.C 133, a shortened statutory period of one month(not less than 30 day) is hereby set forth to this Office Action. See also MPEP 710.02(b).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT  
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2151  
9/20/04

  
ZARNI MAUNG  
PRIMARY EXAMINER